

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ANTONIO MAESTAS, CHAD HENRY,
and ERIKA HENRY,**

Plaintiffs,

v.

No. 14-cv-0631 GBW/SMV

**CIMAREX ENERGY CO.; T&T TRANSPORTS, INC.;
CASEDHOLE SOLUTIONS, INC.;
HALLIBURTON ENERGY SERVS., INC.;
STEPHEN THERIAULT; JAMES HUMES;
BOB MOSS; JOSE GARZA; DONALD JOHNSON;
JAMES HARRIS; MIKE KELLY;
and JOHN or JANE DOES 1–5;**

Defendants.¹

ORDER

THIS MATTER is before the Court on three motions that were filed prior to the removal of this action to federal court.² Plaintiffs filed their Motion for Leave to File Amended Complaint, [Doc. 6] at 50–69, in state court on June 30, 2014. No response was filed in state court or in this Court, and Plaintiffs filed their Notice of Completion of Briefing on July 28, 2014. [Doc. 24]. Also on June 30, 2014, in state court, Defendants Halliburton and Cimarex each moved to amend their respective answers. [Doc. 6] at 3–31 (Halliburton’s motion); [Doc. 6] at 32–49 (Cimarex’s motion). No response was filed in state court or in this Court to either motion, and time for doing so has passed. The Court, having reviewed the motions, the

¹ Summary judgment was granted in favor of Defendants T&T Transports, Inc. and Jose Garza on all claims on August 11, 2014. [Doc. 36].

² This action was removed July 9, 2014. [Doc. 1].

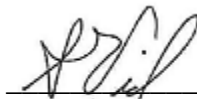
record, the relevant law, and being otherwise fully advised in the premises, will grant Plaintiff's Motion and deny as moot both Halliburton's motion and Cimarex's motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion for Leave to File Amended Complaint [Doc. 6] at 50–69 is GRANTED. Plaintiffs may file their First Amended Complaint no later than **August 28, 2014**.

IT IS FURTHER ORDERED that Defendant Halliburton Energy Services, Inc.'s . . . Motion for Leave to File Its Second Amended Answer [Doc. 6] at 3–31 is **DENIED as moot**. Halliburton will necessarily have to amend its answer when responding to Plaintiff's First Amended Complaint.

IT IS FURTHER ORDERED that Defendant Cimarex's Motion for Leave to File an Amended Answer [Doc. 6] at 32–49 is **DENIED as moot**. Cimarex will necessarily have to amend its answer when responding to Plaintiff's First Amended Complaint.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge